

PROB 12B
(06/15)**ENTERED**

March 16, 2020

David J. Bradley, Clerk

UNITED STATES DISTRICT COURT
for the
SOUTHERN DISTRICT OF TEXAS

Request for Modifying the Conditions or Term of Supervision
with Consent of the Offender
(Probation Form 49, Waiver of Hearing is Attached)

Name of Offender: Timothy Alan Fortenberry Case Number: 4:07CR00070-001

Name of Sentencing Judge: The Honorable Kenneth M. Hoyt

Date of Original Sentence: November 3, 2008

Original Offense: Count 1S: Receipt of child pornography; 18 U.S.C. § 2252A(a)(2)(B) and (b)(1)
Count 2S: Receipt of child pornography; 18 U.S.C. § 2252A(a)(2)(B) and (b)(1)
Count 3S: Receipt of Child Pornography; 18 U.S.C. § 2252A(a)(2)(B) and (b)(1)
Count 4S: Possession of child pornography involving the sexual exploitation of minors; 18 U.S.C. § 2252A(a)(5)(B), (b)(2) and 2256(8)(A-C)

Original Sentence: 168 months custody of the U.S. Bureau of Prisons, followed by a life term of supervised release. \$3000 fine, \$400 special assessment; Special conditions include all the standard sex offender conditions.

Type of Supervision: Supervised Release Supervision Started: May 29, 2019

EARLIER COURT ACTION

None

PETITIONING THE COURT

☒ To modify the conditions of supervision as follows:

You must not possess and/or use computers or other electronic communications or data storage devices or media, without the prior approval of the probation officer. If approved, you shall consent to the ongoing monitoring of all devices. To ensure compliance with the computer monitoring, you must allow the probation officer to conduct initial and periodic unannounced searches of any computer subject to computer monitoring. These searches shall be conducted

RE: Timothy Alan Fortenberry
Dkt. No. 4:07CR00070-001-

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for the purposes of determining whether the computer contains any prohibited data prior to installation of the monitoring software; to determine whether the monitoring software is functioning effectively after its installation; and to determine whether there have been attempts to circumvent the monitoring software after its installation. You must warn any other people who use these computers that the computers may be subject to searches pursuant to this condition. You agree to pay the cost of the hardware and/or software monitoring system, including any ongoing monthly service costs, in accordance with your ability to pay, as determined by the probation officer.

CAUSE

In order to monitor any non-compliance of the conditions of supervision, the probation office is requesting monitoring software, provided and monitored by RemoteCom, Inc., be installed on any computer and/or cell phone owned by Mr. Fortenberry.

It is recommended that the modification be granted and that the Court reserve the right to address these violations at a later date.

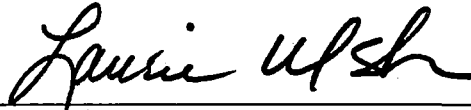
Approved:



Chrishele Powell, Supervising
United States Probation Officer

Respectfully submitted,

By:



Laurie Ulsh, Senior
United States Probation Officer
March 9, 2020

Name of Offender: Timothy Alan Fortenberry

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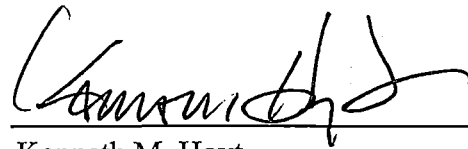
THE COURT ORDERS:

☐ No Action

☐ Extended Supervision as Noted

☒ Modify Conditions as Noted

☐ Other:



Kenneth M. Hoyt
U. S. District Judge

3-16-20

Date

PROB 49
(05/00)

RE: FORTENBERRY, TIMOTHY ALAN
Dkt. No. 4:07CR00070-001

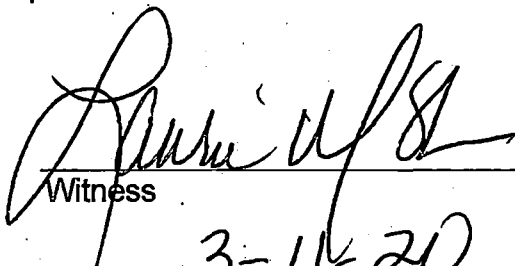
UNITED STATES DISTRICT COURT
for
Southern District of Texas

**Waiver of Hearing to Modify Conditions
of Probation/Supervised Release or Extend Term of Supervision**

I have been advised and understand that I am entitled by law to a hearing and assistance of counsel before any unfavorable change may be made in my Conditions of Probation and Supervised Release or my period of supervision being extended. By "assistance of counsel," I understand that I have the right to be represented at the hearing by counsel of my own choosing if I am able to retain counsel. I also understand that I have the right to request the court to appoint counsel to represent me at such a hearing at no cost to myself if I am not able to retain counsel of my own choosing.

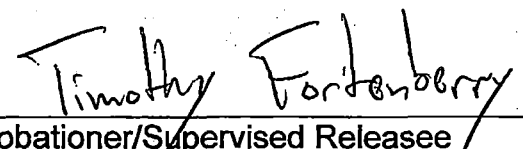
I voluntarily waive my statutory right to a hearing and to assistance of counsel. I also agree to the following modification of my Conditions of Probation/Supervised Release or the proposed extension of my term of supervision:

You must not possess and/or use computers or other electronic communications or data storage devices or media, without the prior approval of the probation officer. If approved, you shall consent to the ongoing monitoring of all devices. To ensure compliance with the computer monitoring, you must allow the probation officer to conduct initial and periodic unannounced searches of any computer subject to computer monitoring. These searches shall be conducted for the purposes of determining whether the computer contains any prohibited data prior to installation of the monitoring software; to determine whether the monitoring software is functioning effectively after its installation; and to determine whether there have been attempts to circumvent the monitoring software after its installation. You must warn any other people who use these computers that the computers may be subject to searches pursuant to this condition. You agree to pay the cost of the hardware and/or software monitoring system, including any ongoing monthly service costs, in accordance with your ability to pay, as determined by the probation officer.



Witness
3-11-20

Date



Probationer/Supervised Releasee
3-11-20

Date